IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

DATE OF DECISION: 15.9.2006

Cholamandalam Insurance Company Ltd.

...Appellant

versus

Sajjan Devi and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr.Justice Mahesh Grover.

Present: Mr.Ashwani Talwar, Advocate,
for the appellant.

UMA NATH SINGH, J. (ORAL)

In this FAO by the Insurance Company against an award dated 19.4.2006 passed by learned Presiding Officer, Motor Accident Claims Tribunal, Bhiwani, in MACT Petition No.125 of 18.11.2004 awarding a sum of Rs.4,18,000/- in death case of a pillion rider of a motorcycle insured by the appellant, learned counsel submitted that the other vehicle said to have collided with the motorcycle was a motorised rehra, not covered under the provisions of the Motor Vehicles Act, 1988 (for short `the Act'). Admittedly, the appellant has been granted recovery right against the owner of the motorcycle because he was found to be rash and negligent in driving the vehicle. Further, if there is any grievance against the illegal vehicle said to be motorised rehra, the insurer can recover the money apart from the owner of the vehicle also from the State permitting plying of such vehicle on road, if it is so advised. Besides, learned counsel also urged on the point

of quantum of compensation, as the Insurance Company has been granted permission to contest the case on merits under Section 170 of the Act. However, looking at the circumstances and also the age group of the dependents and the deceased, we do not find any merit therein and, hence, this submission is also not acceptable.

Accordingly, we do not find any merit in the appeal and it is dismissed in limine.

(UMA NATH SINGH)
JUDGE

September 15, 2006 **(MAHESH GROVER)**
pk **JUDGE**